

REMARKS

The Office Action mailed August 17, 2010 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

Claim Status and Amendments to the Claims

Claims 1-62 are currently pending.

No claims stand allowed.

The 35 First U.S.C. § 103 Rejection

Claims 1-2, 5, 8-11, 14, 17-20, 23, 26-34, 37, 39-43, 46, 49-53, 56, and 59-62 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rigaldies et al.¹ in view of Oberhaus et al.,² of which Claims 1, 9, 18, 27, 29, 31, 33, 41, 51, 60, 61, and 62 are independent claims.³ This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.⁴

Claim 1

Claim 1 recites:

A computer implemented method comprising:
by a mail server, receiving information from a first client computing device
regarding every change made to an application database located on the first

¹ U.S. Patent No. 6,792,085 to Rigaldies et al.

² U.S. Patent No. 6,879,996 to Oberhaus et al.

³ Office Action mailed August 17, 2010, at ¶ 4.

⁴ M.P.E.P. § 2143.

client computing device;
 by the mail server, storing the information in a mail folder on the mail server, the mail folder corresponding to a user associated with the first client computing device and a second client computing device maintaining a copy of the application database;
 by the mail server, receiving a synchronization request from the second client computing device and
 responsive to the synchronization request, forwarding, by the mail server, the information from the mail folder to the second client computing device.

The Examiner states,

... Rigaldies discloses a computer implemented method, comprising:

by a mail server, receiving information from a first computing device regarding every change made to an application database located on the first computing device (Abstract; Col. 4, ln. 29-35 and 41-60; Col. 22, ln. 21-23; the client, e-mail server and voice-mail all have respective databases in the form of workstation mailbox, e-mail message store, and voice-mail message store respectively; Fig. 6; Col. 13, ln. 43-60; Col. 15, ln. 44-58; Col. 19, ln. 4057; ongoing synchronization occurs via the agent notifying the voice-mail server of any new status of a message);

by the mail server, storing the information in a mail folder on the mail server, the mail folder corresponding to a user associated with the first computing device and a second computing device (Abstract; Fig. 1-4; Col. 10, ln. 1-8; Col. 15, ln. 59 – Col. 16, ln. 6; the workstation mailbox is replicated/synchronized to the voice-mail server, the voice-mail server inherently includes a mailbox representing the user to accomplish said replication/synchronization) maintaining a copy of the application database (Abstract; Col. 4, ln. 29-35 and 41-60; Col. 22, ln. 21-23; the client, e-mail server and voice-mail all have respective databases in the form of workstation mailbox, e-mail message store, and voice-mail message store respectively; Fig. 6; Col. 13, ln. 43-60; Col. 15, ln. 44-58; Col. 19, ln. 4057; ongoing synchronization occurs via the agent notifying the voice-mail server of any new status of a message); and

forwarding, by the mail server, the information from the mail folder to the second computing device (Fig. 2; Col. 12, ln. 14-43). Rigaldies is silent on the synchronization being done between the mail server and a first and second *client* computing device;

by the mail server, receiving a synchronization request from the second client computing device and

responsive to the synchronization request, forwarding the information.

However, Oberhaus discloses synchronization (in a manner similar to that disclosed by Rigaldies) between a mail server and a first and second *client* computing device (Abstract, ln. 1-5; Col. 2, ln. 26-46; Col. 3, ln. 28-54; Col. 8, ln. 57-58);

by the mail server, receiving a synchronization request from the second client computing device (Abstract, ln. 1-5; Col. 2, ln. 26-46; Col. 3, ln. 28-54; Col. 8, ln. 57-58) and

responsive to the synchronization request, forwarding the information

(Abstract, In. 1-5; Col. 2, In. 26-46; Col. 3, In. 28-54; Col. 8, In. 57-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rigaldies in the aforementioned manner as taught by Oberhaus in order to enable multiple mailboxes of a user to be synchronized and provide a single "virtual" mailbox (Oberhaus: Col. 1, In. 56-61) for ease of viewing.⁵

The Applicant respectfully disagrees for at least the reasons set forth below.

As an initial matter, the Applicants respectfully submit the Examiner has not provided the required level of clarity required by the Patent Rules. The Applicants respectfully assert that this general rejection is improper for the following reasons.

The Patent Rules provide:

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best reference at his or her command. When reference is complex or shows or describes inventions other than that claimed by the applicant, *the particular part relied on must be designated as nearly as practicable*. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claims specified.⁶

In support of the rejection of Claim 1, the Examiner refers to the same lengthy portions of Oberhaus et al. for each and every element of Claim 1. Specifically, the Examiner refers to the Abstract ll. 1-5; col. 2 ll. 26-46; col. 3, ll. 28-54; and col. 8, ll. 57-58 for each and every element of Claim 1. The Applicant submits the Examiner has not designated the particular part of Oberhaus et al. relied on as nearly as practicable. Nor has the pertinence of Oberhaus et al. been clearly explained as required by the Patent Rules.

Turning to the substance of the Rejection, in support of the Examiner's statement, the Examiner refers to portions of Rigaldies et al. that disclose a form of direct connection synchronization discussed in the Background section of the present application, where an agent

⁵ Office Action at ¶ 5.

⁶ 37 C.F.R. §1.104 (c). (emphasis added)

110 on a workstation 101 updates a voicemail server 200, and further the voicemail server 200 updates the agent 110 on the workstation. This aspect of Rigaldies et al. is summarized as follows:

The synchronization perform by the unified messaging system of the invention may be characterized as “two-way synchronization” because it is really a bilateral process performed between the *two* respective data stores of the voice-mail system and the e-mail system. Either end has to tell the other end what the other has done, hence *two* way.⁷

Embodiments of the invention as presently claimed feature a mail server that is a *third* device which is separate from both a first client computing device and a second client computing device, where the mail server (1) receives information from the first client computing device regarding every change made to the application database on the first client computing device, (2) stores the information in a mail folder corresponding to a user associated with the first client computing device and a second client computing device on the mail server, (3) receives a synchronization request from the second client computing device, and (4) responsive to the synchronization request, forwards the information from the mail folder to the second client computing device. In this context, “the information” that is forwarded from the mail server to the second client computing device is the information that the mail server received from the first client computing device, where the information regards every change made to the application database on the first client computing device. This differs from the two-way synchronization disclosed by Rigaldies et al., where data stores of the voice-mail system and the e-mail system tell the other what the other has done. A third entity is involved in the synchronization disclosed by Rigaldies et al.; for example, Rigaldies et al. does *not* disclose a third entity telling the e-mail system and possibly other systems what the voice-mail system has done, or the third entity telling the voice-mail system and possibly other systems what the e-mail system has done.

⁷ Rigaldies et al. at col. 5 11. 7-12. (emphasis added)

Additionally, the Examiner's rejection equates the voice-mail server 200 of Rigaldies et al. with the mail server of Claim 1. The Examiner also equates the e-mail server 300 in Rigaldies et al. with the first user device of Claim 1. The Examiner also equates the workstation 101 in Rigaldies et al. with the second user device of Claim 1. In support of the Examiner's contention that Rigaldies et al. discloses "receiving, at a mail server, information from a first device regarding every change made to an application database located on the first device," the Examiner refers to portions of Rigaldies et al. that speak generally about the voice-mail server 200 receiving information from workstation 101. Whereas the Examiner's mapping would require the voice-mail server 200 receiving information from e-mail server 300 regarding every change made to an application database located on the e-mail server 300.

The deficiencies of Rigaldies et al. noted above are not resolved with the reference to Oberhaus et al. Regarding Oberhaus et al., the Examiner states:

... Oberhaus discloses synchronization (in a manner similar to that disclosed by Rigaldies) between a mail server and a first and second *client* computing device (Abstract, ln. 1-5; Col. 2, ln. 26-46; Col. 3, ln. 28-54; Col. 8, ln. 57-58);

by the mail server, receiving a synchronization request from the second client computing device (Abstract, ln. 1-5; Col. 2, ln. 26-46; Col. 3, ln. 28-54; Col. 8, ln. 57-58) and

responsive to the synchronization request, forwarding the information (Abstract, ln. 1-5; Col. 2, ln. 26-46; Col. 3, ln. 28-54; Col. 8, ln. 57-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rigaldies in the aforementioned manner as taught by Oberhaus in order to enable multiple mailboxes of a user to be synchronized and provide a single "virtual" mailbox (Oberhaus: Col. 1, ln. 56-61) for ease of viewing.⁸

The Applicant notes that the portions of Oberhaus et al. cited by the Examiner speak generally about synchronizing disparate email *systems* (112, 116) via a mail synch. client 118. Whereas Claim 1 refers to synchronization of both a first client computing device and a second

⁸ Office Action at ¶ 5.

client computing device, each of which maintains a copy of an application database, *vis-à-vis* a mail server and mail folders on the mail server.

These distinctions may be illustrated with respect to FIG. 1 of Oberhaus et al., which is repeated below for the Examiner's convenience.

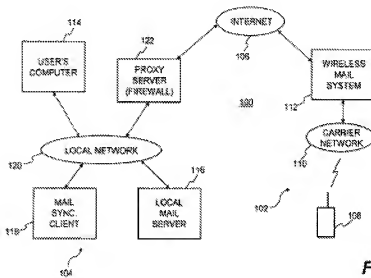


Fig. 1

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Oberhaus et al., states:

FIG. 2B is a block diagram of a mail synchronization client 208 according to one embodiment of the invention. The mail synchronization client 208 is, for example, suitable for use as the mail synchronization client 118 illustrated in FIG. 1. The mail synchronization client 208 includes a mail synchronization client process 210 that provides operations associated with synchronizing the wireless device mail server 204 with the local mail server 116. To facilitate the synchronization operations performed by the mail synchronization client process 210, the mail synchronization client 208 also includes a client mapping table 212, an inbox state table 214, and an action list 215. The client mapping table 212 is used to associate electronic mail messages on mobile devices 108 with those on the user's computer 114. The inbox state table 214 is used to save the state of the inbox for the user's computer 114 at the time in which the last synchronization occurred between the

remote mail system 102 and the local mail system 104. The action list 215 contains a list of actions (i.e., synchronization actions) that have occurred with respect to the local mail server 116 since that last time the wireless device mail server 206 was synchronized with the local mail server 116.⁹

As can be seen from the above disclosure of Oberhaus et al., Oberhaus et al. discloses a mail synch. client 118 performs synchronization between a local mail server 116 and a wireless mail system 112.

The Applicant assumes the Examiner is equating user's computer 114 and mobile device 108 of Oberhaus et al. Claim 1 requires "by a mail server, receiving information from a first client computing device regarding every change made to an application database located on the first client computing device," whereas mail synch client 118 apparently receives information from local mail server 118 and wireless mail system 112 of Oberhaus et al. (not user's computer 114 and mobile device 108 of Oberhaus et al.).

Claim 1 also requires "by the mail server, storing the information in a mail folder on the mail server, the mail folder corresponding to a user associated with the first client computing device and a second client computing device maintaining a copy of the application database." Whereas mail synch client 118 of Oberhaus et al. includes client mapping table 212 for merely *associating* electronic mail messages on mobile devices 108 with those on the user's computer 114. Furthermore, mobile devices 108 and user's computer 114 of Oberhaus et al. apparently do not maintain a copy of the application database.

Claim 1 also requires "by the mail server, receiving a synchronization request from the second client computing device." Whereas Oberhaus et al. fails to disclose the synchronization request coming from users computer 114 or mobile device 108. Rather, Oberhaus et al. discloses mail synch client 118 and mail synchronization server 206 of wireless mail system 112 interact to

⁹ Oberhaus et al. at col. 6 l. 51 to col. 7 l. 5.

provide synchronization.¹⁰

Claim 1 also requires “responsive to the synchronization request, forwarding, by the mail server, the information from the mail folder to the second client computing device.” Whereas mail synch client 118 of Oberhaus et al. synchronizes information between local mail server 116 and wireless system 112 rather than user’s computer 114 and mobile device 108 of Oberhaus et al.

For at least the above reasons, the Applicant respectfully submits the limitations of Claim 1 are not disclosed or suggested by the cited art of record.

As the limitations of Claim 1 are not disclosed or suggested by the cited art of record, the Applicant respectfully requests the 35 U.S.C. § 103 rejection of Claim 1 be withdrawn.

Independent Claims 9, 18, 27, 29, 31, 33, 41, 51, and 60-62

Claims 9, 18, 27, 29, 31, 33, 41, 51, and 60-62 include limitations similar to those discussed above with respect to Claim 1. Claim 1 being allowable, Claims 9, 18, 27, 29, 31, 33, 41, 51, and 60-62 must also be allowable.

Dependent Claims 2, 5, 8, 10-11, 14, 17, 19-20, 23, 26, 28, 30, 32, 34, 37, 39-40, 42-43, 46, 49, 50, 52-53, 56, and 59

Claims 2, 5, and 8 depend from Claim 1, Claims 10-11, 14, and 17 depend from Claim 9. Claims 19-20, 23, and 26 depend from Claim 18. Claim 28 depends from Claim 27. Claim 30 depends from Claim 29. Claim 32 depends from Claim 31. Claims 34, 37, and 39-40 depend from Claim 33. Claims 42-43, 46, 49, and 50 depend from Claim 41. Claims 52-53, 56, and 59 depend from Claim 51. Claims 1, 9, 18, 27, 29, 31, 33, 41, and 51 being allowable, Claims 2, 5,

¹⁰ Oberhaus et al. at col. 3 ll. 48-54.

8, 10-11, 14, 17, 19-20, 23, 26, 28, 30, 32 must also be allowable.

The Second 35 U.S.C. § 103 Rejection

Claims 3, 12, 21, 35, 44, and 54 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rigaldies et al. in view of Oberhaus et al. and further in view of Christie et al.,¹¹ among which no claims are independent claims.¹² This rejection is respectfully traversed.

The 35 U.S.C. § 103 rejection of independent Claims 1, 9, 18, 27, 29, 31, 33, 41, 51, and 60-62 based on Rigaldies et al. in view of Oberhaus et al. is unsupported by the cited art of record, as Rigaldies et al. in view of Oberhaus et al. does not teach or suggest all claim limitations. Accordingly, the 35 U.S.C. § 103(a) of dependent claims 3, 12, 21, 35, 44, and 54 based on Rigaldies et al. in view of Oberhaus et al. and further in view of Christie et al. is unsupported by the art because the combination of Rigaldies et al. in view of Oberhaus et al. and Christie et al. does not teach all claim limitations.

The Third 35 U.S.C. § 103 Rejection

Claims 4, 6, 13, 15, 22, 24, 36, 38, 45, 47, 55, and 57 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rigaldies et al. in view of Oberhaus et al. and further in view of LaRue et al.,¹³ among which no claims are independent claims.¹⁴ This rejection is respectfully traversed.

The 35 U.S.C. § 103 rejection of independent Claims 1, 9, 18, 27, 29, 31, 33, 41, 51, and 60-62 based on Rigaldies et al. in view of Oberhaus et al. is unsupported by the art, as Rigaldies et al. in view of Oberhaus et al. does not teach or suggest all claim limitations. Accordingly, the

¹¹ U.S. Patent No. 5,757,669 to Christie et al.

¹² Office Action at ¶ 17.

¹³ U.S. Patent No. 6,449,622 to LaRue et al.

¹⁴ Office Action at ¶ 20.

35 U.S.C. § 103(a) of dependent claims 4, 6, 13, 15, 22, 24, 36, 38, 45, 47, 55, and 57 based on Rigaldies et al. in view of Oberhaus et al. and further in view of LaRue et al. is unsupported by the art because the combination of Rigaldies et al. in view of Oberhaus et al. and further in view of LaRue et al. does not teach all claim limitations.

The Fourth 35 U.S.C. § 103 Rejection

Claims 7, 16, 25, 48, and 58 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rigaldies et al. in view of Oberhaus et al. and further in view of Malik,¹⁵ among which no claims are independent claims.¹⁶ This rejection is respectfully traversed.

The 35 U.S.C. § 103 rejection of independent Claims 1, 9, 18, 27, 29, 31, 33, 41, 51, and 60-62 based on Rigaldies et al. in view of Oberhaus et al. is unsupported by the art, as Rigaldies et al. in view of Oberhaus et al. does not teach or suggest all claim limitations. Accordingly, the 35 U.S.C. § 103(a) of dependent claims 7, 16, 25, 48, and 58 based on Rigaldies et al. in view of Oberhaus et al. and further in view of Malik is unsupported by the art because the combination of Rigaldies et al. in view of Oberhaus et al. and further in view Malik does not teach all claim limitations.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

¹⁵ U.S. Publication No. 2002/0065892 to Malik.

¹⁶ Office Action at ¶ 24.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-3557.

Respectfully submitted,

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